

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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Julie A. Su,
Acting Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

NAB LLC d/b/a NAB Nail Salon d/b/a NAB
Nail Bar, a Nevada limited liability
corporation; Asia Trinh, an individual and
managing agent of the Corporate Defendant;
Nicole Brown, an individual and managing
agent of the Corporate Defendant,

Defendants.

Case No. 2:21-cv-00984-JCM-EJY

ORDER

Pending before the Court is Defense Counsel's Motion to Withdraw. ECF No. 83. No response to the Motion was filed by Defendants; however, the Court notes Plaintiff has filed its response to the Motion on February 21, 2024. ECF No. 87.

The Motion is prompted by Defendants filing a Writ of Certiorari with the Nevada Supreme Court without counsel's knowledge or consent. There is no doubt that this filing demonstrates the relationship between defense counsel and Defendants has deteriorated such that requiring defense counsel to remain on the case is contrary to Rule 1.15 of the Nevada Rules of Professional Conduct. The Court finds allowing defense counsel to withdraw will not prejudice Defendants. The Motion for Sanctions that prompted defense counsel's involvement in this case is resolved with a final Order issued at ECF No. 81. No other deadlines are pending.

The above facts demonstrate good cause for the Motion to Withdraw. Defendants were provided notice of the same on February 13, 2024. ECF No. 84. Defendants were ordered to provide a response to the Motion to Withdraw no later than February 22, 2024. *Id.* Defendants were advised that failure to respond to the Motion to Withdraw would result in the Court granting the Motion. *Id.* Defendants have not responded to the Motion to Withdraw. The Court previously indicated if no

1 response to the Motion to Withdraw was received, the Court would recommend a dispositive motion
2 deadline of March 25, 2024. The Court reconsiders this portion of its prior Order *sua sponte*.

3 The Court enters the following Order at this time:

4 IT IS HEREBY ORDERED that Lewis Brisbois Bisgaard & Smith,, LLP's Motion to
5 Withdraw (ECF No. 83) is GRANTED.

6 IT IS FURTHER ORDERED that Defendants have through and including **March 25, 2024**
7 to provide notice to the Court that they have retained new counsel.

8 IT IS FURTHER ORDERED that while Defendants are free to retain counsel at any time, if
9 new counsel has not made an appearance by or before March 25, 2024, this matter will move forward
10 with dispositive motions due on **April 25, 2024**.

11 IT IS FURTHER ORDERED that if no dispositive motions are filed, the proposed Joint
12 Pretrial Order is due **May 31, 2024**.

13 IT IS FURTHER ORDERED that Lewis Brisbois Bisgaard & Smith **must** provide a copy of
14 this order to each Defendant through email and U.S. Mail. Notice of compliance **must** be filed no
15 later than **February 28, 2024**.

16 Dated this 23rd day of February, 2024.

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19 ELAYNA J. YOUCHAK
20 UNITED STATES MAGISTRATE JUDGE
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